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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,376	06/01/2001	Mitchell T. Berg	29820.10	2812

7590 12/17/2004
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EXAMINER

DAVIS, CYNTHIA L

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,376	Applicant(s) BERG, MITCHELL T.	
	Examiner Cynthia L Davis	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/3/2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Brendel.

Regarding claim 1, a first computing device for receiving a first information packet from a second computing device, the second computing device receiving the first information packet from a global computer network through a first router device is disclosed in Brendel, column 6, lines 25-26 (the server is the first computing device, the load balancer is the second computing device). Outputting a second information packet to the global computer network through a second router device, such that the second information packet bypasses the first router device is disclosed in column 6, lines 30-32 (outgoing packets bypass the load balancer) and column 9, line 27 (there are multiple external routers in the server farm, different servers would use different routers to route outgoing packets) and figure 19, elements 140 and 146.

Regarding claim 11, a method for receiving a first information packet from a second computing device, the second computing device receiving the first information packet from a global computer network through a first router device is disclosed in Brendel, column 6, lines 25-26 (the server is the first computing device, the load balancer is the second computing device). Outputting a second information packet to

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the global computer network through a second router device, such that the second information packet bypasses the first router device is disclosed in column 6, lines 30-32 (outgoing packets bypass the load balancer) and column 9, line 27 (there are multiple external routers in the server farm, different servers would use different routers to route outgoing packets) and figure 19, elements 140 and 146.

Regarding claims 2 and 12, the first computing device being for outputting the second information packet to the global computer network through a local area network and the second router device is disclosed in Brendel, column 9, line 27 (there are multiple external routers in the server farm, different servers would use different routers to route outgoing packets) and figure 19, elements 140 and 146.

Regarding claims 3 and 13, the local area network being a first local area network, and wherein the second computing device receives the first information packet from the global computer network through a second local area network and the first router is disclosed in column 20, lines 42-44 (the servers, load balancers, and external routers are connected by multiple LANs and WANs which may be used for any given transaction).

Regarding claims 4 and 14, the first computing device being for receiving the first information packet from the second computing device through a third local area network is disclosed in column 20, lines 42-44 (the servers, load balancers, and external routers are connected by multiple LANs and WANs which may be used for any given transaction).

Regarding claims 5 and 15, the first computing device being for receiving a third information packet from the global computer network through the first router device is disclosed in column 6, lines 25-26 (the packet in this transaction goes through the first router; the transaction may be repeated many times in the operation of the server farm).

Regarding claims 6 and 16, the first computing device coupling to the second computing device through a local area network that is coupled to the first router device is disclosed in figure 19, elements 70 (first device), 51 (second device), 144 (LAN), and 140 (first router).

Regarding claims 7 and 17, the local area network being a first local area network, and wherein the first computing device is for receiving the first information packet from the second computing device through a second local area network is disclosed in column 20, lines 42-44 (the servers, load balancers, and external routers are connected by multiple LANs and WANs which may be used for any given transaction).

Regarding claims 8 and 18, the first computing device being a network interface card is disclosed in column 18, lines 37-39 (the servers all have NICs which are used to transmit and receive packets).

Regarding claims 9 and 19, the first information packet originating from a client, and wherein the second computing device is coupled through the first router device and the global computer network to the client is disclosed in column 6, line 67-column 7, line 1.

Regarding claims 10 and 20, the second information packet including the first information packet and a reference to a data structure of a connection with the client is disclosed in column 12, lines 55-56.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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